

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

19776-045

Inmate Number)

JEFFREY CLARK

(Name of Plaintiff)

UNITED STATES PENITENTIARY

P.O. BOX 1000

(Address of Plaintiff)

LEWISBURG, PA. 17837

vs.

L.T.J. FLEMMING et al.

OFFICER - MR. KULAGO et al.

OFFICER - MR. CARPENTER et al.

(Names of Defendants) (SEE 1(a))

COMPLAINT

"JURY TRIAL DEMANDED"

FILED
SCRANTON

JAN - 6 2010

PER [Signature]
DEPUTY CLERK

TO BE FILED UNDER: 42 U.S.C. § 1983 - STATE OFFICIALS

☒ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☒ Yes ☐ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is no, explain why not ADMINISTRATIVE REMEDIES WAS NOT PROPERLY INVESTIGATED, WHICH PRISON OFFICIAL MISHANDLED AND DESTROYED THEM BEING MAILED OUT TO THE GENERAL COUNSEL IN AN ATTEMPT TO OBSTRUCT MY APPEALS, MAKING THEM UNAVAILABLE, WHICH CAUSES THEM TO BE ESTOPPED FROM RAISING IT AS A DEFENSE.

- C. Is the grievance process completed? ☐ Yes ☒ No

NAMES OF DEFENDANTS / ADDITIONAL DEFENDANTS

MR. LENTINI - UNIT TEAM COUNSELOR AT U.S.P. LEWISBURG et al,

MR. HENDRICKS - UNIT TEAM CASE MANAGER AT U.S.P. LEWISBURG et al,

MR. BREWER - UNIT TEAM UNIT MANAGER AT U.S.P. LEWISBURG et al,

E. STEWART - LIEUTENANT AT U.S.P. LEWISBURG et al,

MR. GALLETTA - LIEUTENANT AT U.S.P. LEWISBURG et al,

J. FOSNOT - LIEUTENANT AT U.S.P. LEWISBURG et al,

S. SNIDER - DEPUTY CAPTAIN AT U.S.P. LEWISBURG et al,

F. PASSANITI - FORMER CAPTAIN AT U.S.P. LEWISBURG et al,

K. REAR - ASSOCIATE WARDEN AT U.S.P. LEWISBURG et al,

C. MAIORANA - FORMER ASSOCIATE WARDEN AT U.S.P. LEWISBURG et al,

B. A. BLEDSOE - WARDEN AT U.S.P. LEWISBURG et al,

D. SCOTT DODRILL - NORTHEAST FORMER REGIONAL DIRECTOR et al,

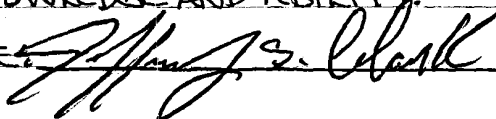
HARLEY LAPPIN - F.B.I. DIRECTOR et al,

VERIFIED DECLARATION

I, JEFFREY CLARK, DO HEREBY SWEAR UNDER THE PENALTY OF PER-
JURY THAT ALL OF THE ABOVE AND HEREIN CLAIMS, STATEMENTS AND
FACTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND ABILITY.

EXECUTED: 12-29-09

SIGNATURE:



III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant J. FLEMING et al. is employed as LIEUTENANT at U.S.P. LEWISBURG

B. Additional defendants MR. KULAGO et al. IS EMPLOYED AS OFFICER AT U.S.P. LEWISBURG; MR. CARPENTER et al. IS EMPLOYED AS OFFICER AT U.S.P. LEWISBURG; (SEE PAGE 1-(a) FOR OTHER NAMES OF DEFENDANTS / ADDITIONAL DEFENDANTS)

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. 8TH AMENDMENT VIOLATIONS BY PRISON OFFICIALS et al. OF: PRISON OFFICIALS HAVE VIOLATED MY 8TH AMENDMENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT IN PRISON BY USE OF EXCESSIVE FORCE; PRISON GUARD BRUTALITY; A DIRECT DISREGARD FOR PRISONER'S SAFETY AND HEALTH; AND DELIBERATE INDIFFERENCE TO PRISONER'S SAFETY AND HEALTH THAT RESULTED IN A "SUFFICIENTLY SERIOUS" MEDICAL NEEDS (FRACTURE OF DISTAL END OF ULNA IN RIGHT ARM), WHICH PRISON OFFICIALS WERE DELIBERATE INDIFFERENT TO THESE NEEDS. THE DEFENDANTS INTENTIONALLY THREATENED AND ASSAULTED ME UNLAWFULLY WITH WILLFUL - (SEE PAGES-2(a) AND 2(b)).
2. ASSAULT AND BATTERY AND VERBAL THREATS OF ABUSE WHICH CAME WITH THE SERIOUS PHYSICAL HARM IN VIOLATION OF THE U.S. CONSTITUTION CONTRARY TO NORTHINGTON V. JACKSON, 973 F.2d 1518, 1524 (10TH CIR. 1992); BURTON V. LIVINGSTON, 791 F.2d 97, 100 (8TH CIR. 1986); HUDSON V. McMILLIAN, 503 U.S. 1, 16-17, 112 S.Ct. 995, 1004, 117 L.Ed. 2d 156, 172 (1992); JACKSON V. CREWS, 873 F.2d 1105, 1108 (8TH CIR. 1989); AND DOUGLAS V. MARION, 698 F. SUPP. 395, 397 (D.N.J. 1988). (MAKE FULL REFERENCE TO CLAIM-1 AND PAGES-2(a) AND 2(b)).

III. STATEMENT OF CLAIM CONTINUED...

DISREGARD FOR MY RIGHTS, WHICH THE RESULTING INJURY SHOWS THAT THE DEFENDANTS ACTED 'MADICIOUSLY AND SADISTICALLY' WITH A 'WILLFUL DISREGARD FOR MY RIGHTS'. ON JUNE 25TH 2009, JUST PRIOR TO LUNCHTIME, FOR NO LEGITIMATE OR PENOLOGICAL REASONS, AND IN A DIRECT DISREGARD OF MY SAFETY AND HEALTH, OFFICER- MR. CARPENTER ADVISED ME THAT I WAS BEING MOVED UPSTAIRS IN G-BLOCK OF THE SMU-PROGRAM WITH ANOTHER UNKNOWN PRISONER, IN A CONSPIRING ATTEMPT TO ONLY HARASS ME. I THEN ASKED OFFICER- CARPENTER, "WHO WAS I BEING MOVED UPSTAIRS WITH?" AND HE SAID, "INMATE TONY!" I THEN STATED, "I DON'T KNOW INMATE TONY, AND I WOULD PREFER TO BE IN THE CELL WITH SOMEBODY THAT I KNEW AND WILL BE ALRIGHT WITH." THEN, I REQUESTED TO BE IN THE CELL WITH INMATE MIMS #13376-014, BECAUSE I KNEW HIM. I WAS TOLD, "NO! YOU HAVE TO MOVE UPSTAIRS WITH TONY, OR YOU WILL BE PLACED IN RESTRAINTS AND THEN SPRAYED WITH GAS!" WHICH I THEN PACKED UP MY PROPERTY AND WAS MOVED UPSTAIRS WITH INMATE TONY, DUE TO BEING THREATENED BY PRISON OFFICIAL! UPON THE RELEASE OF MY RESTRAINTS, AN IMMEDIATE ALTERCATION OCCURRED WITHIN THE CELL, WHICH I WAS TOLD BY OFFICER- MR. CARPENTER TO BACK-UP AND CUFF-UP! IN WHICH I COMPLIED. I WAS TAKEN TO THE BASEMENT BY OFFICER- MR. KULAGO AND LT. J. FLEMMING. AS I WAS WALKING OFFICER- MR. KULAGO WAS BENDING MY WRIST AND FINGERS EXCESSIVELY. I THEN ASKED HIM, "WHY ARE YOU BENDING MY WRIST AND MY FINGERS?" HE STATED, "SHUT THE FUCK UP AND WALK CLARK!" THEN, LT. J. FLEMMING STATED, "THERE'S NO CAMERAS CLARK! YOU KNOW WHAT THAT MEANS!" (IMPLYING THAT THEY CAN BEAT AND KILL ME AND NO ONE WILL SEE OR KNOW ABOUT IT!). I RESPOND BY SAYING, "I DON'T CARE WHAT YOU ARE TALKING ABOUT, BECAUSE I'VE DONE NOTHING WRONG FOR YOU TO HURT ME AND TREAT ME LIKE THIS!" OFFICER- MR. KULAGO STATED, "I DON'T GIVE A FUCK CLARK! WALK!" AS I WALKED, OFFICER- MR. KULAGO AGAIN BEGAN BENDING MY WRIST AND MY FINGER AGAIN. DUE TO THE PAIN, I STOPPED WALKING AND PLEADED, "WHY ARE YOU HURTING ME?" OFFICER- MR. KULAGO IMMEDIATELY SLAMMED MY FACE UP AGAINST THE WALL! THEN,

III. STATEMENT OF CLAIM CONTINUED...

HE YANKED MY WRISTS UP AND APPLIED EXTREME SEVERE PRESSURE, WHICH I HEARD A CRACK IN MY ARM AND FELT A REAL SHARP PAIN! AS THIS WAS TAKING PLACE, SUPERVISORY OFFICIAL LT. J. FLEMMING, KNOWING OF THIS WRONG AND VIOLATION, FAILED TO REMEDY THE WRONG AND FAILED TO PROTECT PRISONER; ALLOWED SUCH WRONG TO CONTINUE; AND DID NOT ADEQUATELY SUPERVISE HIS SUBORDINATE WHO WAS VIOLATING MY RIGHTS, YET, INSTEAD, LT. J. FLEMMING GRABBED ME BY MY THROAT AND STARTED CHOKING ME, AND DID SPIT IN MY FACE STATING, "YOU AIN'T NOTHING BUT A NIGGER BOY!" "DO YOU HEAR WHAT I'M SAYING TO YOU BOY?" NOT LONG AFTER, I WAS ESCORTED BY THE SERT TEAM TO I-BLOCK TO BE PLACED IN RESTRAINTS (FOUR POINTS) IN SEVERE PAIN FROM INJURY FOR OVER 24 HOURS WITHOUT ANY MEDICAL CARE OR TREATMENT! PRIOR TO THE RESTRAINTS, LT. STEWART TOOK PICTURES OF MY SWOLN RIGHT ARM, FROM MY WRIST BONE UP TO NEAR MY ELBOW. WHILE IN RESTRAINTS, P.A.-J. HEMPHILL, AFTER CHECKING MY INJURIES, DID ADVISED LT. GALLETTA THAT I NEEDED MEDICAL TREATMENT BECAUSE HE BELIEVES THAT MY ARM IS SEVERELY INJURED! LT. GALLETTA THEN DENIED THAT REQUEST AND I RECEIVED NO MEDICAL TREATMENT UNTIL JUNE 29TH 2009, WHERE X-RAYS WERE COMPLETED AND I WAS THEN TOLD BY MEDICAL STAFF THAT MY ARM WAS BROKE AND SARCASTICALLY STATED THAT "YOU WILL NOT BE USING THAT ARM!" PRISON OFFICIALS USE OF FORCE WAS UNNECESSARY AND NOT FOR ANY SAFETY REASONS, NOR TO MAINTAIN ANY ORDER. THE ASSAULT AGAINST ME WAS SO "CRUEL AND UNUSUAL" AS TO VIOLATE THE EIGHTH AMENDMENT. UNDER THE EIGHTH AMENDMENT, PRISON OFFICIALS CANNOT USE EXCESSIVE PHYSICAL FORCE AGAINST PRISONERS. THE FORCE WAS NOT APPLIED IN A GOODFAITH EFFORT TO MAINTAIN OR RESTORE DISCIPLINE, BUT, WAS MALICIOUSLY AND SADISTICALLY DONE TO CAUSE HARM AND INJURY. THE PRISON OFFICIALS ACTED WITH A SUFFICIENTLY CULPABLE STATE OF MIND. THEIR USE OF FORCE OR USED FORCE, WAS NOT PART OF THEIR JOBS TO KEEP THE PRISON SAFE AND ORDERLY, BUT, WAS INTENDED TO CRUELLY HURT ME FOR NO LEGITIMATE AND NO PENOLOGICAL REASONS. PRISON OFFICIALS MEASURES TAKEN INFLECTED UNNECESSARY AND WANTON PAIN AND SUFFERING, ULTIMATELY INJURING ME. THERE WAS NO RIOT OR OTHER MAJOR DISTURBANCES, NOR ANY SMALLER INDIVIDUAL INCIDENTS AS WHEN PRISONERS BEHAVE VIOLENTLY OR DISRUPTIVELY. AND SINCE THEIR FORCE HAD NO PURPOSE AND WAS SIMPLY AND CLEARLY MEANT TO HARM THE PRISONER FOR NO LEGITIMATE REASONS, THEN, PRISON OFFICIALS MUST BE FOUND TO HAVE USED EXCESSIVE FORCE! FURTHER MORE, THERE WERE NO EFFORTS MADE BY PRISON OFFICIALS TO DECREASE THE AMOUNT OF FORCE USED, WHO INTENTIONALLY USED FORCE AND VIOLENCE AGAINST THE PRISONER TO CAUSE ME HARM, HURT AND PAIN! OTHER SUPERVISORY DEFENDANTS ET AL, DID BECOME FULL AWARE AND PARTICIPATED IN THE COVER-UP AND FALSE INVESTIGATIONS IN REGARDS TO THIS INCIDENT, INCLUDING BY AND THROUGH THE REPORTS, COMPLAINTS, COP-OUTS, PERSONALLY MAKING ROUNDS TALKING TO PRISONER, AND BY THE FILING OF ADMINISTRATIVE REMEDIES (BP-8, BP-9-BP-10 AND BP-11) IN THESE REGARDS, YET, FAILED TO REMEDY THE WRONG, ALLOWED SUCH TO CONTINUE AND TO FAISIFY DOCUMENTS IN THEIR FALSE INVESTIGATIONS, AND BY NOT ADEQUATELY SUPERVISE THEIR SUBORDINATES FOR THEIR ACTIONS! WHY? THEREBY, MAKING THEMSELVES NABLE IN THIS ACTION AGAINST THEM!

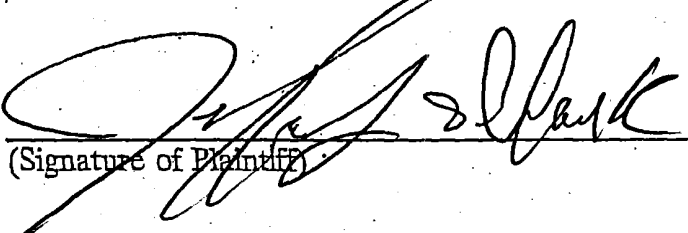
Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. AWARDED \$50,000,000 DOLLARS TO PLAINTIFF FROM EACH DEFENDANT IN HIS INDIVIDUAL CAPACITY; AWARDED \$50,000,000 TO PLAINTIFF FROM ALL DEFENDANTS COLLECTIVELY IN THEIR INDIVIDUAL CAPACITY; AWARDED COMPENSATORY DAMAGES IN THE AMOUNT OF \$50,000,000 DOLLARS FROM EACH DEFENDANT'S INDIVIDUAL UNLAWFUL ACTS; AWARDED EXEMPLARY AND PUNITIVE DAMAGES IN THE AMOUNT OF \$50,000,000 DOLLARS FROM EACH DEFENDANT'S INDIVIDUAL UNLAWFUL ACTS; AWARDED MENTAL AND EMOTIONAL INJURY OF \$50,000,000 MILLION DOLLARS FROM EACH DEFENDANT; AWARDED EQUITABLE RELIEF IN THE AMOUNT OF \$1,000,000 DOLLARS PER DAY OF SUFFERING FOR RESTITUTION, REINSTATEMENT AND ORDERS FOR EACH VIOLATIONS FROM EACH DEFENDANT; AWARDED COSTS, EXPENSES AND/OR ATTORNEY FEES TO PLAINTIFF AGAINST THE DEFENDANTS; TO ISSUE ORDERS OF DECLARATORY JUDGMENTS AS TO DEFENDANT'S ACTIONS AND UNLAWFUL CONDUCT DEPRIVING AND VIOLATING PLAINTIFF'S RIGHTS, FEDERAL LAWS AND CIVIL RIGHTS; A PERMANENT INJUNCTION, INJUNCTIVE RELIEF AND A TEMPORARY RESTRAINING ORDER TO PROHIBIT AND STOP SUCH VIOLATIONS; TO ORDER AN INTERNAL AFFAIRS, U.S. DEPT. OF JUSTICE, AND F.B.I THOROUGH INVESTIGATION, AND WHATSOEVER IS DEEMED BY LAW;

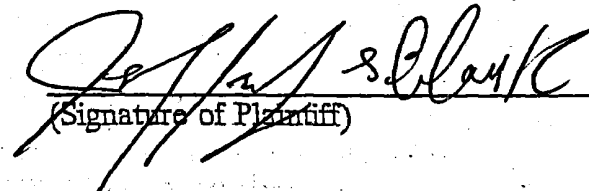
2. SAME AS IN RELIEF-1!

Signed this 29thth day of Dec 2009 DECEMBER, 2009.


(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

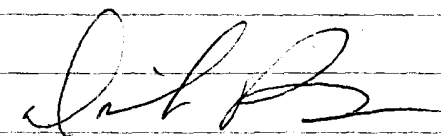
12-29-09
(Date)


(Signature of Plaintiff)

Case 3:10-cv-00026-ARC-PT Document 1 Filed 01/06/10 Page 7 of 9
TO: ~~CLERK~~
FROM: DERRICK BROWN #20986-026
RE: ENCLOSURE FOR OTHER PRISONER AND REQUEST!
DATE: 12/29/2009

"ATTENTION!!!"

Hi! HOW ARE YOU? LOOK, DUE TO PRISON OFFICIAL
TAMPERING, HINDERING AND DESTROYING PRISONER'S OUT-
GOING LEGAL MAIL, PRISONER ASK ME TO FORWARD
YOU HIS CIVIL ACTION IN MY NAME TO MAKE SURE IT
WAS RECEIVED IN THIS COURT FOR FILING AND PROCESS!
LASTLY, I PERSONALLY AM REQUESTING FROM
THIS COURT A FORM-95: FEDERAL TORT CLAIMS
ACT, PLEASE! THANK YOU FOR YOUR TIME AND
ASSISTANCE!



#20986-026

FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331

COVER SHEET

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

The cost for filing a civil rights complaint is \$350.00.

If you do not have sufficient funds to pay the full filing fee of \$350.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect an initial partial filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.

1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$350.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you DO NOT have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. N/A

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. ✓

Please Note: If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS

Inmate Name: DEBRA BROWN
Register Number: 20986-076

12/29/2009



United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

* PER "MAIL-BOX" RULE
GIVEN TO PRISON OFFICIAL ON: 12/29/2009 TO 4014111111

RECEIVED
SCRANTON

JAN - 8 2010

PER [Signature]
DEPUTY CLERK

[Handwritten signature]

"OFFICE OF THE CLERK"

CHIEF JUDGE - MR. THOMAS I. VANASKIE
WILLIAM J. NEALON FEDERAL Bldg. & U.S. COURTHOUSE

235 NORTH WASHINGTON AVENUE

P.O. BOX 1148

SCRANTON, PA.

18501

U.S. PENITENTIARY
P.O. BOX 1000
LEWISBURG, PA 17837

DATE DEC 29 2009

THE ENCLOSED LETTER WAS PROCESSED THROUGH
SPECIAL MAILING PROCEDURES FOR FORWARDING TO
YOU. THE LETTER HAS BEEN NEITHER OPENED NOR
INSPECTED. IF THE WRITER RAISES A QUESTION OR
PROBLEM OVER WHICH THIS FACILITY HAS JURIS-
DICTION, YOU MAY WISH TO RETURN THE MATERIAL
FOR FURTHER INFORMATION OR CLARIFICATION. IF
THE WRITER ENCLOSES CORRESPONDENCE FOR
FORWARDING TO ANOTHER ADDRESSEE, PLEASE RETURN
THE ENCLOSURE TO THE ABOVE ADDRESS.

"LEGAL MAIL"

